

HOUSE BILL No. 1854

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-161.7; IC 9-21-5; IC 36-9-2-7.

Synopsis: School speed zones. Defines school speed zone and sets provisions for establishment of a zone. Makes exceeding the speed limit in a zone a Class C infraction with a fine of up to \$250 for the first violation, a fine of up to \$500 for the second violation, and a Class B infraction with a fine of \$1,000 for the third and subsequent offenses committed by a person in the same jurisdiction.

Effective: July 1, 2003.

Hinkle

January 23, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1854

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-161.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 161.7. "School speed zone" means**
4 **a location where school buildings or grounds are adjacent to a**
5 **highway that is marked by official traffic control devices in**
6 **conformity with the Indiana Manual on Uniform Traffic Control**
7 **Devices for Streets and Highways as set forth in IC 9-21-2-1.**

8 SECTION 2. IC 9-21-5-6 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Except as provided in
10 subsection (e), whenever a local authority in the authority's jurisdiction
11 determines on the basis of an engineering and traffic investigation that
12 the maximum speed permitted under this chapter is greater or less than
13 reasonable and safe under the conditions found to exist on a highway
14 or part of a highway, the local authority may determine and declare a
15 reasonable and safe maximum limit on the highway. The maximum
16 limit declared under this section may do any of the following:

17 (1) Decrease the limit within urban districts, but not to less than



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twenty (20) miles per hour.

(2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.

(3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.

(4) Decrease the limit in an alley, but to not less than five (5) miles per hour.

(5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

(b) A local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district.

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish **a school speed limits zone** on state highways upon which a school is located. However, a **school speed limit zone** established under this subsection is valid only if the following conditions exist:

(1) The limit is not less than twenty (20) miles per hour.

(2) The limit is imposed only in the ~~immediate vicinity of the~~ school **speed zone**.

~~(3) Children are present.~~

~~(4)~~ **(3) The school speed zone is properly signed by an official traffic control device.**

~~(5)~~ **(4) The Indiana department of transportation has been notified of the limit imposed by certified mail.**

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

(1) The street is located within a park or playground established under IC 36-10.

(2) The:

(A) board established under IC 36-10-3;

(B) board established under IC 36-10-4; or

(C) park authority established under IC 36-10-5;

requests the local authority to decrease the limit.

(3) The speed zone is properly signed.

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SECTION 3. IC 9-21-5-13, AS AMENDED BY P.L.116-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections (b) and (d)**, a person who violates this chapter commits a Class C infraction.

(b) A person who exceeds a speed limit that is

~~(1) established under section 6 of this chapter and imposed only in the immediate vicinity of a school when children are present;~~
or

~~(2) established under section 11 of this chapter and imposed only in the immediate vicinity of a worksite when workers are present~~
commits a Class B infraction.

(c) Notwithstanding IC 34-28-5-4(c), a judgment of:

(1) up to two hundred fifty dollars (\$250) shall be entered for the first violation by a person of section 6(d) of this chapter within a jurisdiction; and

(2) up to five hundred dollars (\$500) shall be entered for the violation by the person of section 6(d) of this chapter if the person has one (1) prior judgment for a violation of section 6(d) of this chapter within the same jurisdiction.

(d) A person who:

(1) violates section 6(d) of this chapter; and

(2) has at least two (2) prior judgments for a violation of section 6(d) of this chapter in the same jurisdiction;

commits a Class B infraction. Notwithstanding IC 34-28-5-4(b), a judgment of one thousand dollars (\$1,000) shall be entered for a violation described in this subsection.

SECTION 4. IC 36-9-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) A unit may regulate the use of public ways.

(b) A unit also may regulate the use of school corporation grounds if requested by the fiscal body of the school corporation.

(c) Notwithstanding subsection (a), a unit wanting to establish a school speed zone as defined in IC 9-13-2-161.7 within its jurisdiction must do so in the manner provided by IC 9-21-5-6(d)(1) through IC 9-21-5-6(d)(3).

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